

Date May 23, 2022

**RESOLUTION HOLDING HEARING ON REQUESTS FROM CITY OF DES MOINES PARKS AND RECREATION (OWNER) TO AMEND PLANDSM FUTURE LAND USE DESIGNATION FROM DOWNTOWN MIXED USE TO PARK/OPEN SPACE AND TO REZONE FROM “DX2” DOWNTOWN DISTRICT TO “P1” PUBLIC, CIVIC AND INSTITUTIONAL DISTRICT FOR PROPERTY LOCATED AT 1000 SCOTT AVENUE**

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2022, the City Plan and Zoning Commission voted 12-0 in support of a motion finding that the proposed zoning was consistent with PlanDSM future land use map; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 21, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by City of Des Moines Parks and Recreation represented by Benjamin Page (Officer), to amend the PlanDSM: Creating Our Tomorrow future land use designation from Downtown Mixed Use to Park/Open Space; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, the City Council received a communication from the City Plan and Zoning Commission further advising that at a public hearing held on held on April 21, 2022, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by City of Des Moines Parks and Recreation represented by Benjamin Page (Officer), to rezone from “DX2” Downtown District to “P1” Public, Civic, and Institutional District for part of the property located at 1000 Scott Avenue to bring existing park use to conformance and to allow for park improvements; and

**WHEREAS**, on May 9, 2022, by Roll Call No. 22-0694, it was duly resolved by the City Council that the request for approval of the proposed PlanDSM Comprehensive Future Land Use Plan amendment and rezoning of the Property, legally described as follows, be set down for hearing on May 23, 2022, at 5:00 P.M., in the Council Chamber at City Hall:

PARCEL 2019-33, RECORDED IN BOOK 18580 PAGE 467 AT THE POLK COUNTY RECORDER’S OFFICE, SAID PARCEL BEING A PART OF BLOCK 2, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED STREET RIGHT OF WAYS ADJOINING SAID BLOCK 2,

AND

PARCEL “A”, RECORDED IN BOOK 15781 PAGE 375 AT THE POLK COUNTY RECORDER’S OFFICE, SAID PARCEL BEING A PART OF BLOCKS 2 AND 13, ALLEN’S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED SE 11<sup>TH</sup> STREET RIGHT OF WAY BETWEEN SAID BLOCKS 2 AND 13, ***-EXCEPT PARCEL 2021-119, RECORDED IN BOOK 18888 PAGE 484 AT THE POLK COUNTY RECORDER’S OFFICE-***,



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AND

PARCEL 2021-120, RECORDED IN BOOK 18891 PAGE 233 AT THE POLK COUNTY RECORDER'S OFFICE, SAID PARCEL BEING A PART OF LOTS 4 AND 5 IN BLOCK 13, ALLEN'S SECOND ADDITION TO DES MOINES, AN OFFICIAL PLAT, AND BEING A PART OF VACATED ALLEY RIGHT OF WAYS ADJOINING SAID LOTS 4 AND 5,

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance and PlanDSM Comprehensive Future Land Use Plan amendment; and

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property from "DX2" Downtown District to "P1" Public, Civic, and Institutional District; and

**WHEREAS**, in accordance with said notice, those interested in said proposed Comprehensive Future Land Use Plan amendment and rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Des Moines, Iowa, as follows:

1. The communication from the Plan and Zoning Commission is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed amendment to the PlanDSM: Creating Our Tomorrow Comprehensive Future Land Use Plan designation for 1000 Scott Avenue, or the proposed rezoning of the Property from "DX2" Downtown District to "P1" Public, Civic, and Institutional District are hereby received and filed, any and all objections to the proposed rezoning of the Property to "P1" Public, Civic, and Institutional District are overruled, and the hearing is closed.
3. The proposed amendment to the PlanDSM: Creating Our Tomorrow Plan for the Property locally known as 1000 Scott Avenue to Park/Open Space is hereby approved.
4. The proposed rezoning of the Property, as legally described above, to "P1" Public, Civic, and Institutional District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the



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Property as set forth herein.

Moved by \_\_\_\_\_ to adopt. Second by \_\_\_\_\_

APPROVED AS TO FORM:

/s/ Gary D. Goudelock  
Gary D. Goudelock  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
MANDELBAUM				
SHUEMAKER				
VOSS				
WESTERGAARD				
TOTAL				
MOTION CARRIED		APPROVED		
_____ Mayor				

**CERTIFICATE**

I, P. Kay Cmelik, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_ City Clerk

May 3, 2022

Communication from the City Plan and Zoning Commission advising that at their April 21, 2022 meeting, the following action was taken regarding a request from City of Des Moines Parks and Recreation (owner), represented by Benjamin Page (officer) to rezone part of the property located at 1000 Scott Avenue from “DX2” Downtown District to “P1” Public, Civic and Institutional District, to bring the existing park use to conformance and to allow park improvements.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Francis Boggus	X			
Dan Drendel	X			
Leah Rudolphi	X			
Dory Briles				X
Abby Chungath	X			
Kayla Berkson				X
Chris Draper	X			
Jann Freed	X			
Todd Garner	X			
Johnny Alcivar	X			
Justyn Lewis	X			
Carolyn Jenison	X			
William Page	X			
Andrew Lorentzen	X			
Emily Webb				X

**APPROVAL** of Part A) The requested rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Approval of the proposed rezoning of the subject property from “DX2” Downtown District to “P1” Public, Civic and Institutional District.

## STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the requested rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Staff recommends approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Staff recommends approval of the proposed rezoning of the subject property from “DX2” Downtown District to “P1” Public, Civic and Institutional District.

### Written Responses

1 in Favor

0 in opposition

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed rezoning would allow redevelopment of the southern portion of the existing park. The applicant would install new, permanent bouldering and recreation equipment.

2. **Size of Site:** 3.14 acres (136,636 square feet).

3. **Existing Zoning (site):** “DX2” Downtown District.

4. **Existing Land Use (site):** Cohen Park.

5. **Adjacent Land Use and Zoning:**

**North** – “DXR”; Uses are East Martin Luther King, Jr. Parkway right-of-way and office and warehousing.

**South** – “N3c”; Use is residential.

**East** – “DX2”; Uses are office and warehousing.

**West** – “DXR”; Use is residential.

6. **General Neighborhood/Area Land Uses:** The subject property is located on the western portion of the block bounded by East Martin Luther King, Jr. Parkway, Southeast 10<sup>th</sup> Street, Scott Avenue, and Southeast 12<sup>th</sup> Street.

7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Historic East Village Neighborhood Association. All neighborhood associations were notified of the public hearing by mailing of the Preliminary Agenda on April 1, 2022 and by mailing of the Final Agenda on April 15, 2022. Additionally, separate notifications of the hearing for this specific item were mailed on April 1, 2022 (20 days prior to the public hearing) and April 15, 2022 (10 days prior to the public hearing) to the Historic

East Village Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Services Department on the date of the mailing. The Historic East Village Neighborhood Association mailings were sent to Luke Dickens, 3311 54th Street, Des Moines, IA 50310.

The applicant can provide a summary of the neighborhood meeting at the public hearing.

**8. Relevant Zoning History:** None.

**9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Downtown Mixed Use.

**10. Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

**1. PlanDSM Creating Our Tomorrow:** The applicant is requesting that the future land use designation for the property be amended from “Downtown Mixed Use” to “Parks and Open Space.” PlanDSM describes these designations as follows:

*Downtown Mixed-Use: Allows mixed-use, high density residential uses, and compact combinations of pedestrian oriented retail, office, residential, and parking in downtown. Should include active uses (e.g. retail) on ground floor, particularly at key intersections.*

*Parks and Open Space: Land or water areas generally free from development. Primarily used for park and recreation purposes but may also indicate private or public open spaces reserved for natural resource conservation.*

The subject property is currently zoned “DX2” Downtown District. The Zoning Ordinance describes this district as “intended for the mid-level intensity of activity in downtown, where storefronts, offices, and residences are mixed.”

The applicant is requesting to rezone the subject property to “P1” Public, Civil, and Institutional District in order to bring the existing park use into conformance and allow park improvements. The Zoning Ordinance describes this district as “intended for open space, including permanent parks and recreation areas.”

**2. Planning and Design Ordinance:** Any development must comply with all applicable site plan and design regulations of the Planning and Design Ordinance. Should the

rezoning be approved, the applicant would be required to prepare a site plan and building elevations for any proposed additions or modifications.

3. **Grading & Storm Water Management:** Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR. Tree removal and mitigation calculations must be submitted with any site plan in accordance with Section 42-550 of the Municipal Code.
4. **Historic Landmark:** The Old Southeast Water Trough is a locally landmarked feature within the Scott Avenue right-of-way along the southern property line of Cohen Park. The applicant is proposing to relocate the Water Trough from the right-of-way to a point approximately 60 feet away within the boundaries of Cohen Park. The relocation of the Water Trough is not contingent on or to the proposed rezoning and is currently in the process of review by the State Historic Preservation Office. The City of Des Moines' Landmark Review Board will review the proposed relocation following the State Historic Preservation Office's decision.

### **SUMMARY OF DISCUSSION**

Abby Chungath asked if any member of the public or commission desired to speak on the item. No one requested to speak.

### **COMMISSION ACTION:**

Todd Garner made a motion for:

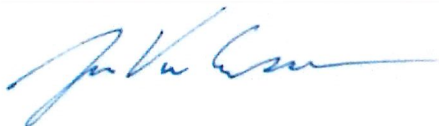
Part A) The requested rezoning be found in conformance with the PlanDSM Creating Our Tomorrow Comprehensive Plan.

Part B) Approval of the request to amend the PlanDSM: Creating Our Tomorrow Plan Future Land Use designation from Downtown Mixed Use to Park/Open Space.

Part C) Approval of the proposed rezoning of the subject property from "DX2" Downtown District to "P1" Public, Civic and Institutional District.

Motion passed: 12-0

Respectfully submitted,



Jason Van Essen, AICP  
Planning & Urban Design Administrator

JMV:tjh



1 inch = 136 feet



42

Apr 20, 2022 10:31



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Apr 20, 2022 10:32



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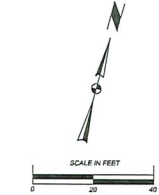
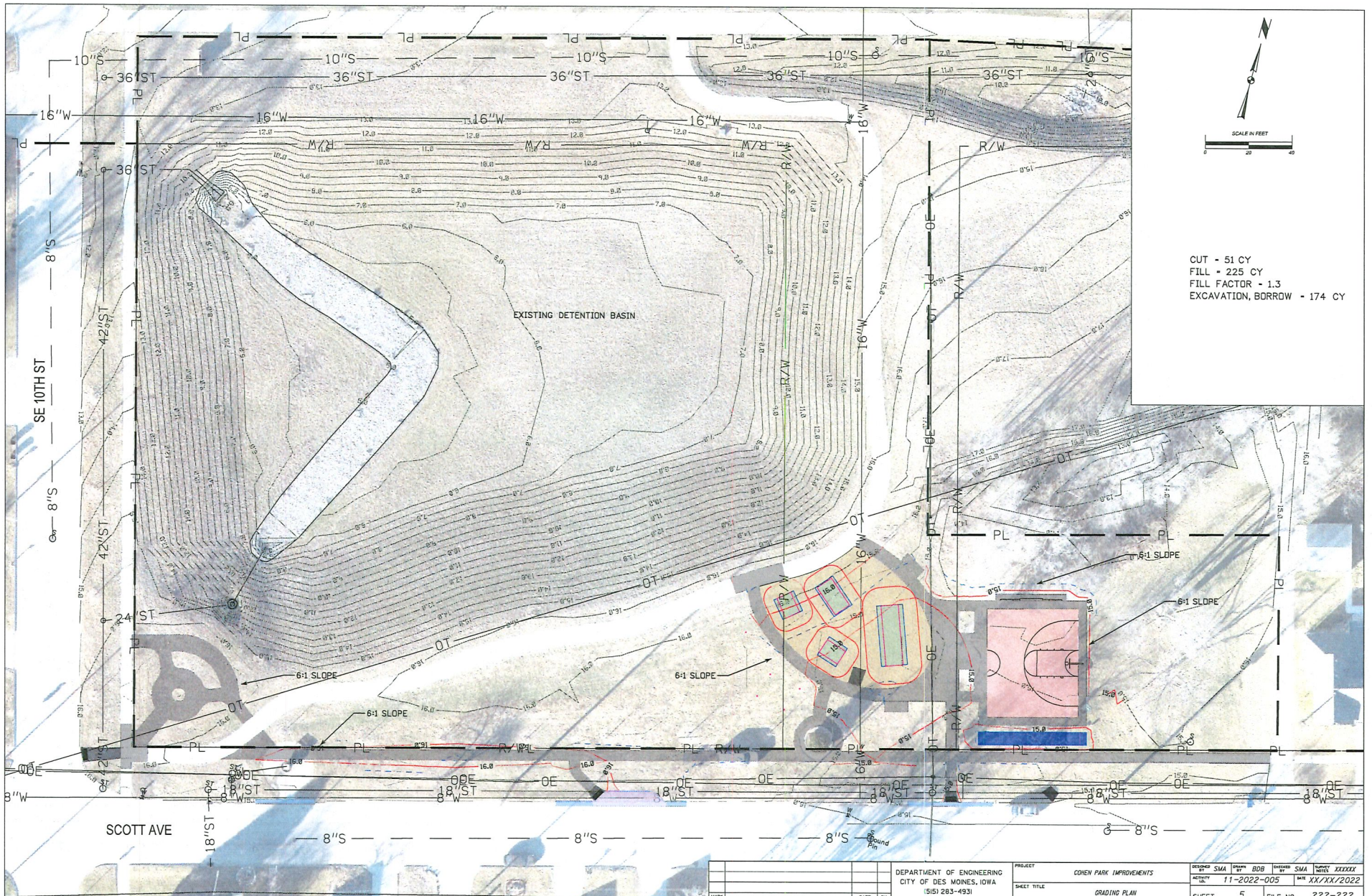


Apr 20, 2022 10:32



Apr 20, 2022 10:32





CUT - 51 CY  
 FILL - 225 CY  
 FILL FACTOR - 1.3  
 EXCAVATION, BORROW - 174 CY

DEPARTMENT OF ENGINEERING CITY OF DES MOINES, IOWA 563-283-4931		PROJECT COHEN PARK IMPROVEMENTS	DESIGNED BY SMA	CHECKED BY BDB	DATE 11-2022-005	PROJECT NO. 11-2022-005	SHEET NO. 5	FILE NO. XXX/XX/2022
MARK		SHEET TITLE GRADING PLAN	SHEET 5 FILE NO. ???-???					





April 15, 2022

**Re: Cohen Park Proposed Rezoning Neighborhood Meeting Report**  
ZONG-2022-000022

City of Des Moines Planning:

On April 4, 2022, the City of Des Moines provided official notification to adjacent property owners within 250' of the subject property, via mail of the proposed zoning change and date of the public meeting.

The public meeting on April 14<sup>th</sup>, 2022 was held at the Municipal Services Center, 1551 E. Martin Luther King Jr. Parkway, Des Moines, IA 50317 in the MacRae Conference Room from 5:30pm – 6:30pm. The purpose of this meeting was to inform adjacent property owners of the proposed rezoning of the Cohen Park Property located at 1000 Scott Avenue, Des Moines. Zoning designation is proposed to be changed from the existing DX2 to P1 to allow for the development of a park on the south side of the property.

The public meeting was facilitated by a City of Des Moines Park Planner and had one (1) interested resident attend. See attached sign-in sheet. At 5:30 a public presentation was given, outlining the proposed zoning change and describing the planned park improvements. Attendees were invited to ask questions or voice concerns at any point in the presentation.

There were no objections or pertinent comments voiced regarding the proposed rezoning at the public meeting. There were some comments received about the proposed park improvements which included excitement and activation of the park space to help with the houseless activities.

Based upon this feedback, it appeared that the proposed park amenities shown in the presentation were well received.

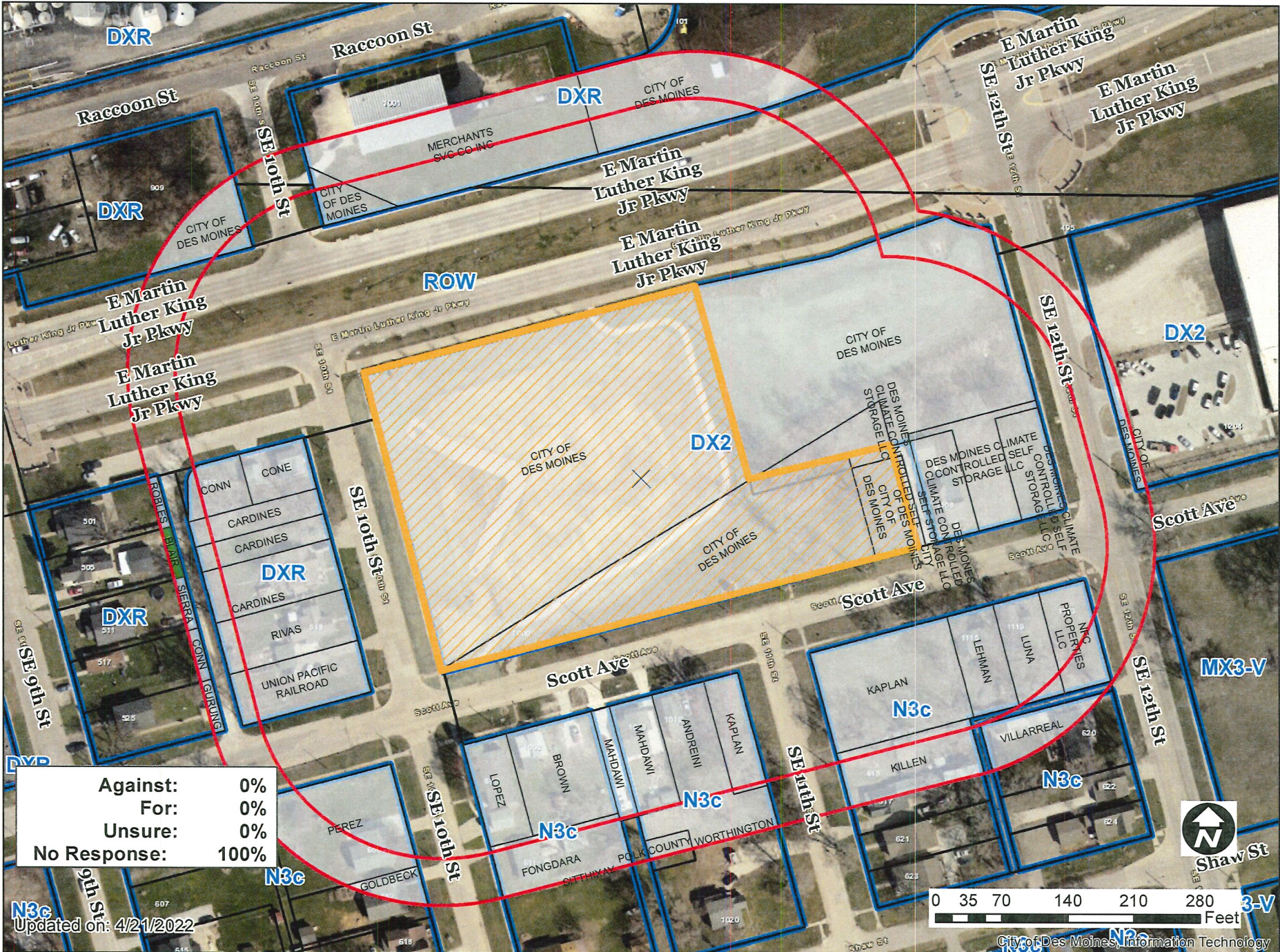
Sincerely,

Eric Doll  
Park Planner III  
City of Des Moines Parks and Recreation  
515-248-6322  
[eadoll@dmgov.org](mailto:eadoll@dmgov.org)

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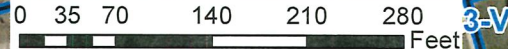
# City Initiated, 1000 Scott Avenue

ZONG-2022-000022



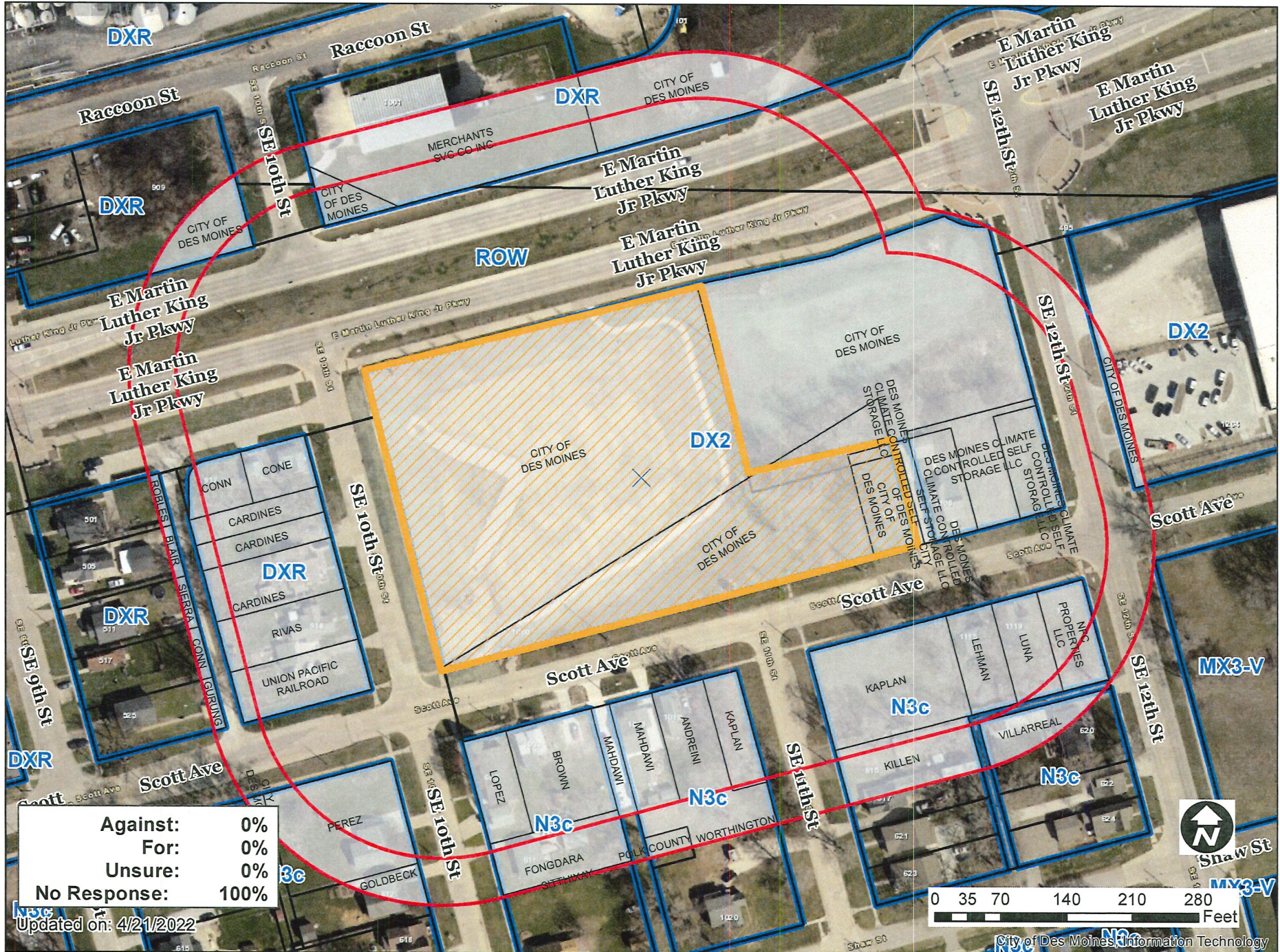
Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 4/21/2022



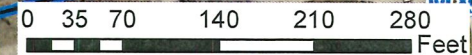
City of Des Moines, Information Technology

1 inch = 135 feet



Against:	0%
For:	0%
Unsure:	0%
No Response:	100%

Updated on: 4/21/2022



Item: ZONG-2022-000022 Date: \_\_\_\_\_

Please mark one of the following 305  
 I am in favor of the request SE 9TH ST  
 I am not in favor of the request

Staff Use Only  
**RECEIVED**  
 COMMUNITY DEVELOPMENT  
 APR 21 2022

Signature: Kenneth Blum

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Reason for opposing or approving this request may be listed below:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_